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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,913	10/10/2003	Timothy P. Blair	200300432-1	3073

22879 7590 11/29/2007
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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

BHAT, ADITYA S

ART UNIT	PAPER NUMBER
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2863

MAIL DATE	DELIVERY MODE
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11/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/683,913

Applicant(s)

BLAIR ET AL.

Examiner

Aditya S. Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-12,14-28,30-32 and 34-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-12,14-28,30-32 and 34-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-22, and 37-42 are rejected under 35 U.S.C. 102(b) as being anticipated by (Applicant Admitted Prior Art, figs 2-4).

With regards to claim 21, (AAPA, fig. 2-4)discloses an appliance for monitoring equipment comprising:

a data port for receiving data from said equipment; (38;figure 2)

a communication module for receiving one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components; (40;figure 2)

a memory for storing said software components; (34;figure 2)and

a processor for executing said software components in accordance with said configuration data. (32;figure 2)

With regards to claim 22, (AAPA, fig. 2-4) discloses an appliance for monitoring one or more office equipment devices comprising:

a data port for receiving data from said equipment; (38;figure 2)

software adapted primarily for monitoring said devices, said software including one or more software components, each software component for processing said equipment data in accordance with an optional service; (36;fig 2)

a communication module for receiving a set of configuration data adapted to enable or disable said software components, wherein said software components comprise at least software with instructions for monitoring a different appliance; (40; figure 2)

a memory for storing said software; (34;figure 2) and

a processor for executing said software in accordance with said configuration data. (32;figure 2)

With regards to claim 37, (AAPA, fig. 2-4) discloses a system for monitoring office equipment comprising:

one or more monitoring appliances adapted to monitor said office equipment, each monitoring appliance including: (30;figure 2)

a data port for receiving data from said equipment; (38;figure 2)

appliance software adapted primarily for monitoring said equipment, said software including one or more software components, each software component for processing said equipment data in accordance with an optional service, wherein said optional service includes functionality for monitoring a different appliance; (figure 2)

a first communication module for receiving a set of configuration data adapted to enable or disable said software components; (figure 2)

a first memory for storing said appliance software; (figure 2)and

a first processor for executing said software in accordance with said configuration data; (figure 2)and

a central server including: (back office; figure 4)

server software for controlling the communication of data to and from said monitoring appliances; (figure 4)

a first database of configuration data for said monitoring appliances; (figure 4)

a second memory for storing said server software and said first database; (fig 4)

a second processor for executing said server software; (66; figure 12)and

a second communication module for transmitting said configuration data to said monitoring appliances. (back office; figure 2&4)

With regards to claim 38, (AAPA, fig. 2-4) discloses an application for modifying the configuration data stored in said first database. (figure 4)

With regards to claim 39, (AAPA, fig. 2-4)discloses server further includes a second database of new or upgraded software components. (figure 4)

With regards to claim 40, (AAPA, fig. 2-4)discloses first and second communication means are also adapted to download new or upgraded software components from said central server to said monitoring appliances. (figure 4)

With regards to claim 41, (AAPA, fig. 2-4)discloses configuration data is adapted to enable or disable a new or upgraded software component. (figure 4)

With regards to claim 42, (AAPA, fig. 2-4)discloses system for monitoring office equipment comprising:

one or more monitoring appliances adapted to monitor said office equipment,
each monitoring appliance including: (figure 2)

a data port for receiving data from said equipment; (figure 2)

a first communication module for receiving one or more software components;
each software component for processing said equipment data in accordance with an
optional service, and for receiving a set of configuration data adapted to enable or
disable said software components; (40;figure2)

a first memory for storing said software components; (34 ;figure 2) and

a first processor for executing said software components in accordance with said
configuration data; (32;figure 2) and

a central server (back office ;figure 2) including:

server software for controlling the communication of data to and from said
monitoring appliances; (figure 4)

a first database of configuration data for said monitoring appliances; (figure 3)

a second database of software components for said monitoring appliances;
(50;figure 4)

a second memory for storing said server software and said first and second
databases; (back office; figure 4)

a second processor for executing said server software; (back office; figure 4)and

a second communication module for transmitting said configuration data and
said software components to said monitoring appliances. (back office; figure 2)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-12, 14-20,23-28, 30-32, 34-36 and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Applicant Admitted prior art, figs 2-4) in view of In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

With regards to claim 1, (AAPA, fig. 2-4) discloses an appliance for monitoring equipment comprising:

first means for receiving data from said equipment; (38;fig 2)

second means for receiving a set of configuration data (42;figure 3), wherein said second means includes a communication module; (40;figure 2)(figure 4) and

third means for processing said equipment data in accordance with a optional service, (32,36;fig 2) wherein said configuration data is adapted to enable or disable said optional services,(60-62; figure 4) wherein said appliance is adapted to restart upon receiving a restart signal form said communication module. (66;figure 4)

With regards to claim 2 and 29, (AAPA, fig. 2-4) discloses said third means includes:

software for processing said equipment data, (36;fig 2) said software including one or more software components, each software component for performing an optional service; (36;figure 2) fourth means for storing said software; (34;figure 2) and

fifth means for executing said software in accordance with said configuration data, which is adapted to enable or disable said software components. (72;figure 12)

With regards to claim 3, (AAPA, fig. 2-4)discloses fourth means is a memory. (34;figure 2)

With regards to claim 4, (AAPA, fig. 2-4)discloses memory is also adapted to store said configuration data. (34;figure 2)

With regards to claim 5, (AAPA, fig. 2-4)discloses a fifth means is a processor. (32;figure 2)

With regards to claim 6, (AAPA, fig. 2-4)discloses a first means includes one or more data ports. (38;figure 2)

With regards to claim 7, (AAPA, fig. 2-4)discloses data ports are also adapted to transmit data to said equipment. (64;figure 4 & 38;figure 2)

With regards to claim 9, (AAPA, fig. 2-4)discloses means for transmitting data to a remote system. (52;figure 4) (40;figure 2)

With regards to claim 10, (AAPA, fig. 2-4)discloses means for receiving new or upgraded software components. (figure 4)

With regards to claim 11, (AAPA, fig. 2-4) discloses configuration data is adapted to enable or disable a new or upgraded software component. (figure 4)

With regards to claims 16-18, (AAPA, fig. 2-4) discloses the communication module is coupled to an Internet connection either a dialup or wireless. (40;figure 2)

With regards to claim 19, (AAPA, fig. 2-4) discloses the appliance is a stand-alone device separate from said equipment. (30; figure 2)

With regards to claim 20, (AAPA, fig. 2-4) discloses the equipment includes one or more printers. (fig 2)

With regards to claim 23, (AAPA, fig. 2-4) discloses a system for monitoring equipment comprising:

one or more monitoring appliances adapted to monitor said equipment, each monitoring appliance including (30;figure 2)

first means for receiving data from said equipment; (38;figure 2)

second means for receiving a set of configuration data; (32,40;figure 2) and

third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services; (32;figure 2) wherein said third means includes:

software for processing said equipment data, (36;figure 2)said software including one or more software components, each software component for performing an optional service, wherein said software component for performing an optional service, wherein said software is adapted to restart said monitoring appliance after receiving and storing said configuration data; (figure 4) and

a memory for storing said software; (34 figure 2) and

a processor for executing said software in accordance with said configuration data, which is adapted to enable or disable said software components; (32;figure 2) and fourth means for transmitting said configuration data to said monitoring appliances. (62;figure 4)

With regards to claim 24, (AAPA, fig. 2-4)discloses a fourth means includes a central server. (20;figure 1A)

With regards to claim 25, (AAPA, fig. 2-4)discloses a central server includes a first database of configuration data for the monitoring appliances. (50;figure 4)

With regards to claim 26, (AAPA, fig. 2-4)discloses a user can change which services in a monitoring appliance are enabled or disabled by modifying the configuration data for that monitoring appliance stored in said first database. (42;figure 3)

With regards to claim 27, (AAPA, fig. 2-4)discloses a central server includes an application for modifying the configuration data stored in said first database. (20;figure 1A)

With regards to claim 28, (AAPA, fig. 2-4) discloses an application is a web application. (figure 4)

With regards to claim 30, (AAPA, fig. 2-4)discloses a central server includes a second database of new or upgraded software components. (figure 4)

With regards to claim 31, (AAPA, fig. 2-4) discloses monitoring appliances further include means for receiving new or upgraded software components from said central server(figure 4)

With regards to claim 32, (AAPA, fig. 2-4) discloses configuration data is adapted to enable or disable a new or upgraded software component. (figure 3)

With regards to claim 43, (AAPA, fig. 2-4) discloses a method for remotely configuring a monitoring appliance for monitoring equipment including the steps of:

storing a configurable software components in said monitoring appliance, each software component for performing a function of said monitoring appliance; (36;figure 2)

storing, in a central server, configuration data that determines which software components are enabled or disabled; (50,52 (backoffice); figure 4)

downloading said configuration data from said central server to said monitoring appliance; (62;figure 4) and

restarting said monitoring appliance with said software components enabled for or disabled from execution in accordance with said configuration data. (66;figure 4)

With regards to claim 44, (AAPA, fig. 2-4) discloses a user can change which software components are enabled or disabled by modifying the configuration data stored in the central server. (50;figure 4)

With regards to claim 45, (AAPA, fig. 2-4) discloses method further includes the steps of: storing new or upgraded software components in said central server; (58 figure 4)

downloading said new or upgraded software components from said central server to said monitoring appliance; (60 figure 4) and

installing said new or upgraded software components in said appliance. (64; figure 4)

With regards to claim 46, (AAPA, fig. 2-4) discloses configuration data is adapted to enable or disable a new or upgraded software component. (42 figure 3)

(AAPA, fig. 2-4) discloses the claimed invention except for plurality of services . It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the plurality of services, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Response to Arguments

Applicant's arguments with respect to claims 1-7, 9-12, 14-28, 30-32, and 34-46 have been considered but are moot in view of the new ground(s) of rejection.

Applicant is requested to provide information/prior art that are relevant to applicant's disclosure, particularly figures 2-4. In order to reach a full and proper consideration of the issues raised herein, it is necessary to obtain additional information from applicant regarding the aforementioned issues.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mathiesen et al. (USPUB 2003/0135381) teaches an automated distributed printing system, and Carney et al. (USPN 6,453,268) teaches methods, systems and program for monitoring a device with a computer using user selected monitoring settings.

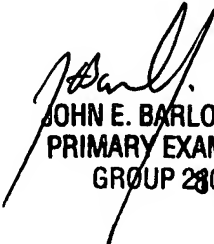
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat
November 21, 2007


JOHN E. BARLOW, JR.
PRIMARY EXAMINER
GROUP 2800